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Paper No.

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CHICAGO IL 60690

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APR 08 2008

OFFICE OF PETITIONS

In re Application of :
Webb et al. :
Application No. 09/688,441 : LETTER REGARDING
Filed: October 16, 2000 : PATENT TERM ADJUSTMENT
Atty Docket No. 0112300/141 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 12, 2008. Applicants disclose that 36 days should be subtracted from the patent term adjustment pursuant to 35 U.S.C. 154(b) for a total adjustment of three hundred fifty (350) days, instead of three hundred eighty-six (386) days.

The request for review of the patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred fifty (350) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 17, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 386 days. Applicants disclose that they took in excess of three months to respond to the final Office action mailed April 7, 2003.

Applicants are correct. A request for continued examination (RCE) and amendment were not filed in response to the Office

action mailed April 7, 2003 until August 12, 2003. As such, a period of reduction of 36 days should have been entered pursuant to 37 C.F.R. §1.704(b).

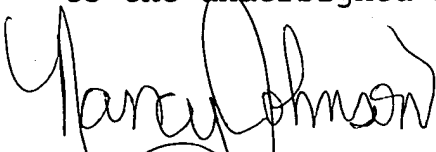
In view thereof, the initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is three hundred fifty (350) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

The fee charged has been refunded to Deposit Account No. 02-1818, as authorized.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

PTA Calculations for Application: 09/688441

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|--------------------------|------------|-------------------------|-----|
| Application Filing Date: | 10/16/2000 | PTO Delay (PTO): | 519 |
| Issue Date of Patent: | | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 133 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 350 |
| PTO Delay Adjustment: | -36 | | |

File Contents History

| Number | Date | Contents Description | PTO | APPL | START |
|--------|------------|---|-----|------|-------|
| 107 | 04/07/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 36 | |
| 98 | 12/17/2007 | MAIL NOTICE OF ALLOWANCE | | | |
| 97 | 12/12/2007 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 96 | 12/12/2007 | DOCUMENT VERIFICATION | | | |
| 95 | 12/12/2007 | ISSUE REVISION COMPLETED | | | |
| 94 | 12/10/2007 | NOTICE OF ALLOWABILITY | | | |
| 93 | 11/04/2007 | DATE FORWARDED TO EXAMINER | | | |
| 92 | 10/30/2007 | AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE | | | |
| 91 | 11/04/2007 | DATE FORWARDED TO EXAMINER | | | |
| 90 | 10/30/2007 | REQUEST FOR CONTINUED EXAMINATION (RCE) | | | |
| 89 | 11/04/2007 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA) | | | |
| 88 | 10/30/2007 | WORKFLOW - REQUEST FOR RCE - BEGIN | | | |
| 87 | 09/27/2007 | ELECTRONIC REVIEW | | | |
| 86 | 09/26/2007 | EMAIL NOTIFICATION | | | |
| 85 | 09/25/2007 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 84 | 09/18/2007 | FINAL REJECTION | | | |
| 82 | 07/10/2007 | DATE FORWARDED TO EXAMINER | | | |
| 81 | 07/02/2007 | RESPONSE AFTER NON-FINAL ACTION | | 20 | 75 |
| 80 | 07/02/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 79 | 06/23/2007 | ELECTRONIC REVIEW | | | |
| 78 | 06/22/2007 | EMAIL NOTIFICATION | | | |
| 77 | 06/20/2007 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413) | | | |
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|------|------------|--|-----|----|----|
| 76 | 03/08/2007 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 75 | 03/12/2007 | MAIL NON-FINAL REJECTION | 24 | | 66 |
| 74 | 03/08/2007 | NON-FINAL REJECTION | | | |
| 73 | 12/22/2006 | DATE FORWARDED TO EXAMINER | | | |
| 72 | 10/16/2006 | APPEAL BRIEF FILED | | | |
| 71 | 12/26/2006 | MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT | | | |
| 70 | 12/22/2006 | MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT | | | |
| 69 | 12/01/2006 | NOTICE -- DEFECTIVE APPEAL BRIEF | | | |
| 68 | 11/29/2006 | APPEAL BRIEF REVIEW COMPLETE | | | |
| 67 | 11/29/2006 | DATE FORWARDED TO EXAMINER | | | |
| 66.1 | 10/16/2006 | DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED | | | |
| 66 | 10/16/2006 | APPEAL BRIEF FILED | | | |
| 65 | 10/16/2006 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 64 | 05/16/2006 | NOTICE OF APPEAL FILED | | | |
| 63 | 02/23/2006 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413) | | | |
| 62 | 02/23/2006 | MAIL FINAL REJECTION (PTOL - 326) | 275 | | 58 |
| 61 | 02/21/2006 | FINAL REJECTION | | | |
| 60 | 10/27/2005 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 59 | 02/11/2005 | DATE FORWARDED TO EXAMINER | | | |
| 58 | 01/24/2005 | RESPONSE AFTER NON-FINAL ACTION | | 25 | 53 |
| 57 | 01/24/2005 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 56 | 02/04/2005 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 55 | 01/24/2005 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 54 | 01/11/2005 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 53 | 09/30/2004 | MAIL NON-FINAL REJECTION | | | |
| 52 | 09/28/2004 | NON-FINAL REJECTION | | | |
| 51 | 07/29/2004 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| 50 | 07/19/2004 | REFERENCE CAPTURE ON IDS | | | |
| 49.7 | 07/19/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | 0 | 45 |
| 49 | 07/19/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) | | | |

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|----|------------|---|--|----|----|
| | | FILED | | | |
| 48 | 07/29/2004 | DATE FORWARDED TO EXAMINER | | | |
| 47 | 07/19/2004 | AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE | | | |
| 46 | 07/29/2004 | DATE FORWARDED TO EXAMINER | | | |
| 45 | 07/19/2004 | REQUEST FOR CONTINUED EXAMINATION (RCE) | | 31 | 33 |
| 44 | 07/29/2004 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA) | | | |
| 43 | 07/19/2004 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 42 | 07/19/2004 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 41 | 07/19/2004 | WORKFLOW - REQUEST FOR RCE - BEGIN | | | |
| 40 | 07/02/2004 | MAIL ADVISORY ACTION (PTOL - 303) | | | |
| 39 | 06/30/2004 | ADVISORY ACTION (PTOL-303) | | | |
| 38 | 04/24/2001 | REFERENCE CAPTURE ON IDS | | | |
| 37 | 06/22/2004 | DATE FORWARDED TO EXAMINER | | | |
| 36 | 05/20/2004 | AMENDMENT AFTER FINAL REJECTION | | | |
| 35 | 05/20/2004 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 34 | 05/10/2004 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 33 | 03/18/2004 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 32 | 03/17/2004 | FINAL REJECTION | | | |
| 31 | 01/16/2004 | DATE FORWARDED TO EXAMINER | | | |
| 30 | 01/12/2004 | RESPONSE AFTER NON-FINAL ACTION | | | |
| 29 | 10/31/2003 | MAIL NON-FINAL REJECTION | | | |
| 28 | 10/29/2003 | NON-FINAL REJECTION | | | |
| 27 | 08/21/2003 | DATE FORWARDED TO EXAMINER | | | |
| 26 | 08/12/2003 | AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE | | | |
| 25 | 08/21/2003 | DATE FORWARDED TO EXAMINER | | | |
| 24 | 08/12/2003 | REQUEST FOR CONTINUED EXAMINATION (RCE) | | | |
| 23 | 08/21/2003 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA) | | | |
| 22 | 08/12/2003 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 21 | 08/11/2003 | WORKFLOW - REQUEST FOR RCE - BEGIN | | | |
| 20 | 04/07/2003 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 19 | 04/03/2003 | FINAL REJECTION | | | |

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|-----|------------|---|-----|----|----|
| 18 | 01/23/2003 | DATE FORWARDED TO EXAMINER | | | |
| 17 | 12/20/2002 | RESPONSE AFTER NON-FINAL ACTION | | 57 | 13 |
| 16 | 12/20/2002 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 15 | 12/20/2002 | INCOMING LETTER PERTAINING TO THE DRAWINGS | | | |
| 14 | 10/23/2002 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 13 | 07/24/2002 | MAIL NON-FINAL REJECTION | 220 | | -1 |
| 12 | 07/23/2002 | NON-FINAL REJECTION | | | |
| 11 | 06/24/2002 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 10 | 09/27/2001 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 9 | 04/24/2001 | PRELIMINARY AMENDMENT | | | |
| 8.7 | 04/24/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 8 | 04/24/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 7 | 04/17/2001 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 6 | 04/03/2001 | APPLICATION DISPATCHED FROM OIPE | | | |
| 5 | 04/03/2001 | APPLICATION IS NOW COMPLETE | | | |
| 4 | 12/07/2000 | NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED | | | |
| 3 | 12/07/2000 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 2 | 11/02/2000 | IFW SCAN & PACR AUTO SECURITY REVIEW | | | |
| 1 | 10/16/2000 | INITIAL EXAM TEAM NN | | | |

Search Another: Application#

Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)